

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|  |   |                    |
|--|---|--------------------|
| GUARDIAN INDUSTRIES CORPORATION        | ) |                    |
|  | ) |                    |
| <i>Plaintiff,</i>                      | ) |                    |
|  | ) |                    |
| v.                                     | ) |                    |
|  | ) |                    |
| DELL INC.;                             | ) |                    |
| GATEWAY, INC.;                         | ) |                    |
| HEWLETT-PACKARD COMPANY;               | ) |                    |
| ACER INC.;                             | ) |                    |
| ACER AMERICA CORPORATION;              | ) |                    |
| AOC INTERNATIONAL;                     | ) |                    |
| ENVISION PERIPHERALS, INC.;            | ) |                    |
| TPV INTERNATIONAL (USA) INC.;          | ) |                    |
| AU OPTRONICS CORPORATION;              | ) |                    |
| AU OPTRONICS CORPORATION AMERICA a/k/a | ) |                    |
| AU OPTRONICS AMERICA, INC.;            | ) |                    |
| BENQ CORPORATION;                      | ) |                    |
| BENQ AMERICA CORPORATION;              | ) |                    |
| CHUNGHWA PICTURE TUBES, LTD. a/k/a     | ) | C.A. No. 05-27-SLR |
| CHUNGHWA PICTURETUBES COMPANY.;        | ) |                    |
| TATUNG COMPANY;                        | ) |                    |
| TATUNG COMPANY OF AMERICA, INC.;       | ) |                    |
| BOE HYDIS TECHNOLOGY COMPANY, LTD.;    | ) |                    |
| BOE HYDIS AMERICA, INC.;               | ) |                    |
| COMPAL ELECTRONICS, INC.;              | ) |                    |
| DELTA ELECTRONICS, INC.;               | ) |                    |
| DELTA PRODUCTS CORPORATION;            | ) |                    |
| DELTA ELECTRONICS (THAILAND)           | ) |                    |
| PUBLIC COMPANY, LTD.;                  | ) |                    |
| HANNSTAR DISPLAY CORPORATION;          | ) |                    |
| JEAN CO., LTD.;                        | ) |                    |
| LITE-ON TECHNOLOGY CORPORATION;        | ) |                    |
| LITE-ON, INC. a/k/a                    | ) |                    |
| LITEON TRADING USA, INC.;              | ) |                    |
| MAG TECHNOLOGY COMPANY, LTD.;          | ) |                    |
| MAG TECHNOLOGY USA, INC.;              | ) |                    |
| PROVIEW INTERNATIONAL HOLDINGS, LTD.;  | ) |                    |
| PROVIEW TECHNOLOGY, INC.; and          | ) |                    |
| QUANTA DISPLAY, INC.                   | ) |                    |
|  | ) |                    |
| <i>Defendants.</i>                     | ) |                    |

**ACER, INC. AND ACER AMERICA CORPORATION'S  
MOTION TO STAY PENDING RESOLUTION OF THE CASES  
AGAINST LCD MODULE MANUFACTURERS**

Defendants Acer, Inc. and Acer America Corporation (“Acer”) respectfully move this Court to enter an Order staying the above-captioned action against Acer pending the final resolution of Plaintiff Guardian Industries Corporation’s (“Guardian”) claims against the liquid crystal display (“LCD”) product manufacturers in this action. The four patents asserted by plaintiff Guardian are directed to specific components of LCDs. In addition to suing the companies that manufacture LCDs or their components, Guardian has also sued customers of those and other LCD manufacturers. Acer is an LCD customer. It purchases LCD panels, modules and other LCD related components from LCD manufacturers and then assembles them into monitors as an original equipment manufacturer (OEM) and/or original design manufacturer (ODM) for third parties, such as Dell, Inc. Acer is therefore a customer of the LCD manufacturers with limited knowledge and information about the design and manufacture of the LCD products that it purchases.

The manufacturers, not LCD customers like Acer, are the real parties in interest in this case. The LCD manufacturers are the parties with detailed knowledge of the design, structure and manufacture of the allegedly infringing LCDs, and the parties with the information and documentation and documentation to defend against Guardian’s claims. The manufacturers who supply Acer are set forth in the attached Declaration of Albert Lai (Exhibit A hereto). In an attempt to simplify this case, Acer now moves to stay the action, thereby allowing the LCD manufacturers to logically take the lead. Further, staying this case against Acer and the other customer defendants pending resolution of Guardian’s claims against the LCD manufacturers would further the interests of justice and litigation efficiency and economy by significantly streamlining and simplifying the

issues, discovery, and trial in this complex, multi-party case. *See Honeywell Int'l Inc. v. Audiovox Communications Corp.*, C.A. No. 04-1337 KAJ, slip op. at 6-7 (D. Del. May 18, 2005) (Exhibit B hereto); *Commissariat A L'Energie Atomique v. Dell Computer Corp.*, C.A. No. 03-484 KAJ, 2004 WL 1554382, at \*3 (D. Del. May 13, 2005) (Exhibit C hereto).

Acer joins in and incorporates by reference the point and authorities set forth in the briefs in support of the motions to stay filed by Dell, Inc. on June 3, 2005 and Gateway, Inc. on June 8, 2005, and the Declaration of Albert Lai, June 27, 2005 (Exhibit A hereto), as grounds for this Motion. A proposed Order granting Acer's motion is submitted herewith as Exhibit D.

**Rule 7.1.1 Statement.** Plaintiff will not consent to the relief sought by this Motion. *See* D.I. 132 (Answering Brief in Opposition to Motion to Stay).

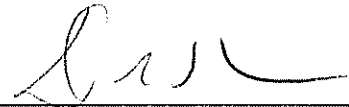
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DATE: June 28, 2005

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, David E. Moore, hereby certify that on June 28, 2005, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

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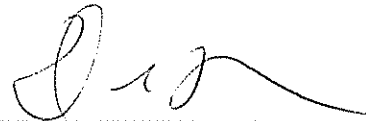
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